

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

FLOWERS TITLE COMPANIES, LLC,

Plaintiff,

v.

SCOTT BESENT, THE UNITED STATES
DEPARTMENT OF
THE TREASURY; THE FINANCIAL
CRIMES ENFORCEMENT NETWORK,

Defendants.

No. 6:25-cv-127-JDK

**UNOPPOSED MOTION TO SET
SUMMARY JUDGMENT BRIEFING SCHEDULE AND WAIVE ANSWER**

The defendants in the above-captioned case respectfully submit this unopposed motion to set an expedited summary judgment briefing schedule for this case.

Plaintiff's complaint seeks judicial review pursuant to the Administrative Procedure Act ("APA"). Judicial review of final agency action under the APA is confined to the administrative record, which includes all materials compiled by the agency that were before the agency at the time the decisions at issue were made. 5 U.S.C. § 706. Generally, matters outside the administrative record are legally irrelevant, and therefore not discoverable under Rule 26 of the Federal Rules of Civil Procedure. *See Joseph G. Moretti, Inc. v. Hoffman*, 526 F.2d 1311, 1312 (5th Cir. 1976). Consequently, discovery is not appropriate absent unique circumstances not presented here. The parties stipulate, however, that Plaintiffs may rely upon evidence outside the administrative record to the extent necessary to establish Article III standing.

The parties agree that expedited summary judgment proceedings would promote judicial economy and efficiency. Accordingly, the parties have met and conferred and agreed on the following

schedule for expedited summary judgment briefing:

Defendants file administrative record	July 9, 2025
Plaintiff files motion for summary judgment	July 16, 2025
Defendants file opposition/cross-motion for summary judgment	August 15, 2025
Plaintiff files oppositions/replies in support of summary judgment	August 29, 2025
Defendant files reply in support of summary judgment	September 12, 2025

For the briefing format, the parties propose that plaintiffs be permitted to file a summary judgment motion of up to 30 pages and an opposition/reply brief of up to 20 pages. The parties propose that defendants be permitted to file a single consolidated opposition/cross-motion for summary judgment of up to 30 pages and a reply brief of up to 20 pages. All parties reserve the right to request additional pages for their briefs, after reviewing the other parties' submissions.

Finally, plaintiffs agree to waive defendants' response to the complaint, and defendants reserve the right to raise threshold objections to the complaint in their dispositive briefing.

CONCLUSION

For these reasons, the parties respectfully request that the Court enter the proposed schedule and format for expedited summary judgment briefing. A proposed order is attached.

Respectfully submitted,

JAY R. COMBS
ACTING UNITED STATES ATTORNEY

/s/ *Adrian Garcia*
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CERTIFICATE OF CONFERENCE

In compliance with Local Rule CV-7(h), undersigned counsel hereby certifies that I have conferred with Plaintiffs' counsel, who is unopposed and agrees to the relief sought in this motion.

/s/ *Adrian Garcia*
ADRIAN GARCIA
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on June 16, 2025, a true and correct copy of the foregoing document was filed electronically with the court and has been sent to all counsel of record via the court's electronic filing system.

/s/ *Adrian Garcia*
ADRIAN GARCIA
Assistant United States Attorney